

2011 OCT -4 PM 2: 57

RECEIVED

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re:

Nadine H. Murphy and  
Kim Hayes, d/b/a Hayes Stables,

Respondents.

)  
)  
)  
)  
)

HPA Docket No. 12-0005

Complaint

There is reason to believe that the respondents named herein have violated the Horse Protection Act, as amended (15 U.S.C. § 1821 et seq.), herein referred to as the Act. Therefore, the Administrator of the Animal and Plant Health Inspection Service ("APHIS") issues this complaint alleging the following:

## I

1. Respondent Nadine H. Murphy is an individual whose mailing address is 536 Airport Road, Pine Knott, KY 42635. At all times mentioned herein said respondent was the owner of the horse known as "H-3" a/k/a "Hummer."

2. Respondent Kim Hayes, d/b/a Hayes Stable, is an individual whose mailing address is 821 Hill Top Road, Danville, KY 40422.

3. On April 16, 2009, respondents Kim Hayes, d/b/a Hayes Stable and Nadine H. Murphy entered for the purpose of showing or exhibiting the horse known as "H-3" a/k/a "Hummer" as entry number 311 in class number 4, at the Spring Jubilee Charity Horse Show, Mercer County Fairgrounds, Harrodsburg, KY.

4. On April 16, 2009, respondent Nadine H. Murphy allowed the entry for the purpose of showing or exhibiting the horse known as “H-3” a/k/a “Hummer” as entry number 311 in class number 4, at the Spring Jubilee Charity Horse Show, Mercer County Fairgrounds, Harrodsburg, KY.

## II

1. On April 16, 2009, respondents Kim Hayes, d/b/a Hayes Stable and Nadine H. Murphy entered for the purpose of showing or exhibiting the horse known as “H-3” a/k/a “Hummer” as entry number 311 in class number 4, at the Spring Jubilee Charity Horse Show, Mercer County Fairgrounds, Harrodsburg, KY, in violation of sections 5(2) (B) of the Act (15 U.S.C. § 1824(2) (B)), while the horse was sore (9 C.F.R. § 11.3(a)).

2. On April 16, 2009, respondent Nadine H. Murphy, in violation of section 5(2)(D) of the Act (15 U.S.C. § 1824(2)(D)), allowed the entry for the purpose of showing or exhibiting the horse known as “H-3” a/k/a “Hummer” as entry number 311 in class number 4, at the Spring Jubilee Charity Horse Show, Mercer County Fairgrounds, Harrodsburg, KY, while the horse was sore (9 C.F.R. § 11.3(a)).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondents have in fact violated the Act, this complaint shall be served upon the respondents. The respondents shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 et seq.). Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

The Animal and Plant Health Inspection Service requests:

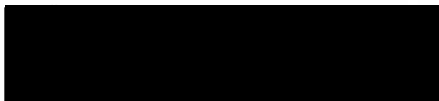
1. That unless the respondents fail to file an answer within the time allowed therefor, or file an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in conformity with the Rules of Practice governing proceedings under the Act, and

2. That such order or orders be issued as are authorized by the Act and warranted under the circumstances including an order:

(a) Assessing civil penalties against the respondents in accordance with section 6(b) of the Act (15 U.S.C. § 1825(b)); and

(b) Disqualifying each respondent for a specified period as provided in section 6(c) of the Act (15 U.S.C. § 1825(c)) from (1) showing, exhibiting or entering any horse, or otherwise participating in any horse show or exhibition, and (2) judging or managing any horse show, horse exhibition, horse sale or auction. "Participating" means engaging in any activity beyond that of a spectator, and includes, without limitation, transporting or arranging for the transportation of horses to or from equine events, personally giving instructions to exhibitors, being present in the warm-up or inspection areas, or in any area where spectators are not allowed, and financing the participation of others in equine events.

Done at Washington, D.C. /  
this 3<sup>rd</sup> day of October, 2011

  
*Acting* Administrator  
Animal and Plant Health  
Inspection Service

FRANK MARTIN, JR.  
Attorney for Complainant  
Office of the General Counsel  
United States Department of  
Agriculture  
Washington, D.C. 20250  
Telephone (202) 720-9242